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Australia must address elder abuse

On World Elder Abuse Awareness Day, the Law Council of Australia continues to call for measures that will better protect older Australians.

“Elder abuse is insidious and more prevalent than I think any of us would like to believe,” Law Council of Australia President, Mr Tass Liveris said.

“Incidents of abuse may be physical, social, financial, psychological or sexual and can include mistreatment and neglect.

“What makes it most devastating is that the perpetrator is often someone the older person trusts and relies on, such as a family member, friend or carer.

“We must stamp out elder abuse and protect vulnerable members of our community.”

The Law Council is calling for:

- Appropriate, sustained and increased funding for specialist legal assistance and aged care advocacy services, government agencies, and relevant state and territory tribunals that work towards reducing elder abuse.
- Implementation of outstanding priorities identified in the Australian Law Reform Commission and Royal Commission into Aged Care Quality and Safety (Royal Commission) reports and the National Plan to Respond to the Abuse of Older Persons 2019-2023, including:
 - developing a new Aged Care Act which is consistent with the recommendations of the Royal Commission report by 1 July 2023; and
 - ensuring that those in residential aged care facilities have legal redress to protect them from abuse, whether perpetrated by care providers (including in the use of restrictive practices) or fellow residents.

At the end of last year, the Law Council of Australia welcomed the decision by Commonwealth, state and territory Attorneys-General to prioritise enduring power of attorney (EPOA) law reform to reduce the risk of older Australians being subject to financial abuse and looks forward to this work coming to fruition.

EPOA arrangements are intended to ensure a person’s interests are protected when they lose capacity to make decisions for themselves. However, in the absence of adequate legal safeguards, financial elder abuse by appointed decision-makers may be facilitated by such arrangements.

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